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Edgar Hoppe

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2421

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,314	<b>Applicant(s)</b> HOPPE ET AL.	
	<b>Examiner</b> Hoang-Vu A. Nguyen-Ba	<b>Art Unit</b> 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2009 has been entered.
2. Claims 1-33 remain pending. Claims 1, 16, 17 and 19 are independent claims.

### ***Response to Amendments***

3. Per Applicants' request, Claims 1, 5, 16, 17, 19, 23 have been amended.

### ***Response to Arguments***

4. Applicants' arguments in the Remarks have been fully considered but they are not moot in view of the new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-23 and 25-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0133405 by Newnam et al. ("Newnam") in

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view of U.S. Patent No. 7,161,934 to Buchsbaum and further in view of U.S. Patent No. 7,380,260 to Billmaier et al. ("Billmaier").

### **Claim 1**

Newnam discloses at least *a method for information exchange, comprising the steps of:*  
*operating an information exchange system including a production studio coupled to remote data processing equipment by (b) a non-satellite connection separate from the satellite connection* (see at least FIG. 1; element 300 being the claimed *production studio* is connected to client device 50 being the claimed *remote data processing equipment* via on-line, return path over dial-up, Internet; [0028-0034]);

While Newnam does not specifically disclose that the technical director is coupled to the client device by *(a) a satellite connection and digitizing the sent information transmissions and then transmitting the digitized informations via the satellite connection as IP multicast packets*, Newnam does suggest that the technical director is a software interface between a TV producer/broadcaster ([0034]) and the TV programming can be broadcast via cable, satellite, over-the-air ([0028]; FIG. 4, e.g., "on-air broadcast" and "on-line program over IP"). In view of this suggestion on Newnam, it would have been obvious to one of ordinary skill in the art to consider using the teachings of Buchsbaum, in an analogous art, which discloses that content which includes multicast file transfer software can be transmitted in a broadcast mode from a source to multiple destinations over satellite link (see at least 1:49-59).

One skilled in the art would have been motivated at the time the invention was made to combine the satellite-based content distribution method using IP multicast technology as described in Buchsbaum with the combined system of Newnam because Newnam-Buchsbaum would allow a production studio to insert digital information into TV programming data stream and to transmit the combined information to the receiving end via satellite.

Newnam-Buchsbaum further discloses:

*producing information transmissions in a broadcast standard* (see at least [0007]; FIGs. 1-4, 6, 8);

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*sending the information transmissions live from the production studio (see at least [0007]; FIGs. 1-4, 6, 8).*

Newnam-Buchsbaum does not specifically disclose:

*receiving the information transmission by a TV decoder and feeding them into a data and/or communications network for delivery to the remote data processing equipment.*

However, in an analogous art, Billmaier teaches a Media Center Extension (MCX) that can be integrated within a set top box (STB) and receives broadcast information from the broadband network 103 and transmits the received processed information to a television or PC via the home network 406 (see at least FIG. 5, device 404; [0053-0057]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the system taught by Billmaier in that of Newnam-Buchsbaum because the system of Billmaier applied in Newnam-Buchsbaum would greatly improve the interactive capability of the Newnam-Buchsbaum system.

The combination Newnam-Buchsbaum-Billmaier further discloses:

*installing software on the remote data processing equipment, in which the software, after the data processing equipment has been connected to the data and/or communications network, permits receiving of the information transmissions and use of at least part of the functions furnished by the information transmission (Newnam; see at least [0041]; [0032]);*

*accessing the information transmission via a portal (Newnam; see at least [0029]); and*

*using the functions furnished by the information transmission received via the satellite connection for an interactive information exchange, including communicating user feedback regarding one or more of the functions furnished by the information transmission from the remote data processing equipment to the production studio via the non-satellite connection information exchange (Newnam; see at least [0029-0036]).*

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### **Claim 2**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein access to an information transmission and/or use of the functions provided by the information transmission occurs as a function of access authorization* (Newnam; see at least [0029]; accessing WebTV using dial-up communication requires authentication).

### **Claim 3**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein access to an information transmission occurs after access to the portal and call-up of a link for information transmission* (Newnam; see at least [0029]).

### **Claim 4**

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Newnam-Buchsbaum-Billmaier does not specifically disclose *wherein access authorizations are sent by email and/or an SMS method to a selected group of persons*. However, this feature is deemed inherent to Newnam's chat facilities (see at least FIG. 9) which require an apparent authorization process because in order to join a chatroom a user has to give his/her e-mail address. See also definition below:

Chat "is a bit like e-mail in real time. Users have conversations via the keyboard in "Chat rooms" with other users. Chat has been criticized for being addictive as well as concerns over unsuitable contact between children and adults. To join a chatroom you usually have to give your e-mail address and this can lead to spam.

[www.smallbizonline.co.uk/glossary\\_of\\_internet\\_terms.php](http://www.smallbizonline.co.uk/glossary_of_internet_terms.php)"

Thus, without sending request for participation and authorization by the other party, chat session cannot be conducted.

**Claim 5**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein the non-satellite connection between the production studio coupled to remote data processing equipment comprises a virtual private network (VPN) separate from the satellite connection* (Billmaier; see at least FIG. 5, device Conditional Access 204 which makes use of encryption technologies to prevent reception of a signal by unauthorized STBs; the CA feature thus provides the claimed virtual private network, one of the definition of which:

“ is the use of encryption in the lower protocol layers to provide secure connection through an otherwise insecure network, typically the Internet.

[www.agimo.gov.au/archive/publications\\_noie/2001/11/ar00-01/glossary](http://www.agimo.gov.au/archive/publications_noie/2001/11/ar00-01/glossary)”).

**Claim 7**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein playback of the information transmission on the data processing equipment, like PCs or workplace computers, occurs with one or more Web browsers* (Newnam; see at least [0041]).

**Claim 8**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein, for playback of information transmissions in a Web browser, several windows, like a window for live presentation of a moderator or teacher in the studio (film window) or a window for presentation of graphics and/or tests (graphics window), are provided* (Newnam; see at least [0041]; FIG. 9; claim 12; [0037]).

**Claim 9**

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The rejections of base claim 1 and intervening claim 8 are incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein the windows provided for playback of information transmissions in a Web browser are sent in full screen representation* (Newnam; see at least FIG. 9).

#### **Claim 10**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein the software, after log-on at a portal, is installed by an initial applet on the data processing equipment or software installed on the data processing equipment is updated after log-on at the portal* (Newnam; see at least [0032]; [0041]).

#### **Claim 11**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein the functions provided by the information transmission include execution and/or evaluation of surveys, execution and/or evaluation of multiple choice tests (MCT), layout, connection and/or management of telephone connections, data transmission, especially text transmission, between the data processing equipment and production studio and/or management* (Newnam; see at least [0034-0036]; [0050]).

#### **Claim 12**

The rejections of base claim 1 and intervening claim 11 are incorporated. The combination Newnam-Buchsbaum-Billmaier does not specifically disclose *wherein surveys and/or tests are designed as HTML-programmed files*. However, this feature is deemed inherent in the Newnam's questions and answers or real-time polls and trivia to be displayed on the end-user's screen. Without using the HTML, the end-user's screen does not know how to display the questions and answers or trivias. Furthermore if there are questions and answers that require linking to another location of the same document or to another document, HTML or derivatives of HTML must be used. Moreover, Newnam, in [0041], discloses that the base software can be



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incorporated in other software, such as in browser, one of the definitions of which is shown below:

[a] browser, or web browser, is the software used to view web pages and interact with various kinds of Internet resources. The browser interprets the HTML used to format web documents and recreates the page on your screen. There are a variety of web browsers available, the two most common being Microsoft's Internet Explorer and Netscape's Navigator.

[www.liv.ac.uk/webteam/glossary/](http://www.liv.ac.uk/webteam/glossary/)

### **Claim 13**

The rejections of base claim 1 and intervening claim 11 are incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein a time limitation is stipulated for processing of surveys and/or tests and after this time elapses, the survey and/or test files are automatically closed for processing* (Newman; see at least [0048]).

### **Claim 14**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein data and/or files, like text files, sent to the production studio and/or management are conveyed as email and/or as SMS messages to one or more designatable receivers* (Newnam; see at least [0035-0036]).

### **Claim 15**

The rejection of base claim 1 is incorporated. The combination Newnam-Buchsbaum-Billmaier further discloses *wherein the method is carried out in a computer program which can be downloaded from an electronic data network, like the Internet, to a data processing unit connected to the data network* (Newnam; see at least [0041]).

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**Claim 16**

Since Claim 16 is an independent claim that recites *an arrangement with at least one processor and/or chip setup so that a method for information exchange can be carried out, comprising* the same steps of the method recited in Claim 1, the same rejection is thus applied.

**Claim 17**

Since Claim 17 is an independent claim that recites *a computer program product stored on a computer readable storage medium for, when run on a computer, carrying out a method for information exchange, comprising* the same steps of the method recited in Claim 1, the same rejection is thus applied.

**Claim 18**

The rejection of base claim 17 is incorporated. Since Claim 18 recites the same features of Claim 15, the same rejection is thus applied.

**Claim 19**

Newnam discloses at least *a method for information exchange, comprising the steps of: producing information transmissions in a broadcast standard wherein the information transmissions include TV information and digital information* (see at least [0007]; FIGs. 1-4, 6, 8).

*sending the information transmissions live from a production studio to a remote TV decoder via a connection* (see at least FIG. 1; element 300 being the claimed *production studio* is connected to client device 50 being the claimed *remote data processing equipment* via on-line, return path over dial-up, Internet; [0028-0034]).

While Newnam does not specifically disclose that the connection is *a satellite* connection, Newnam does suggest that the technical director is a software interface between a TV producer/broadcaster ([0034]) and the TV programming can be broadcast via cable, satellite, over-the-air ([0028]; FIG. 4, e.g., “on-air broadcast” and “on-line program over IP”). In view of this suggestion on Newnam, it would have been obvious to one of ordinary skill in the art to

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consider using the teachings of Buchsbaum, in an analogous art, which discloses that content which includes multicast file transfer software can be transmitted in a broadcast mode from a source to multiple destinations over satellite link (see at least 1:49-59).

One skilled in the art would have been motivated at the time the invention was made to combine the satellite-based content distribution method using IP multicast technology as described in Buchsbaum with the combined system of Newnam because Newnam-Buchsbaum would allow a production studio to insert digital information into TV programming data stream and to transmit the combined information to the receiving end via satellite.

Newnam-Buchsbaum does not specifically disclose:

*receiving the information transmission at the remote TV decoder;  
feeding the extracted video and digital information into remote data processing equipment coupled to the remote TV decoder and connecting the data processing equipment to a data and/or communication network and accessing a main data processing equipment associated with the studio through the data and/or communication network.*

However, in an analogous art, Billmaier teaches a Media Center Extension (MCX) that can be integrated within a set top box (STB) and receives broadcast information from the broadband network 103 and transmits the received processed information to a television or PC via the home network 406 (see at least FIG. 5, device 404; [0053-0057]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the system taught by Billmaier in that of Newnam-Buchsbaum because the system of Billmaier applied in Newnam-Buchsbaum would greatly improve the interactive capability of the Newnam-Buchsbaum system.

The combination Newnam-Buchsbaum-Billmaier further discloses:

*extracting video information and digital information from the information transmissions (see at least FIG. 9, e.g., the video is extracted to be displayed in 410 and the digital is extracted to be displayed in 720 or 730 or 710);  
decoding functions from the extracted digital information (see at least FIG. 9 and [0054]; in the case of the STB 110, the claimed “decoding functions” is*

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interpreted as the adjustment of the placement of the interactive components based on the different type of the client device by the content display interface); *and using the functions furnished by the digital information received via the satellite connection for an interactive information exchange, including communicating user feedback regarding one or more of the functions furnished by the digital information from the remote data processing equipment to the production studio via non-satellite connection separate from the satellite connection* (see at least [0029-0033]; [0035-0036])

**Claim 20**

The rejection of base claim 19 is incorporated. Since Claim 20 recites the same feature of Claim 2, the same rejection is thus applied.

**Claim 21**

The rejection of base claim 19 is incorporated. Since Claim 21 recites the same feature of Claim 3, the same rejection is thus applied.

**Claim 22**

The rejections of base claim 19 and intervening claim 20 are incorporated. Since Claim 22 recites the same feature of Claim 4, the same rejection is thus applied.

**Claim 23**

The rejection of base claim 19 is incorporated. Since Claim 23 recites the same feature of Claim 5, the same rejection is thus applied.

**Claim 25**

The rejection of base claim 19 is incorporated. Since Claim 25 recites the same feature of Claim 7, the same rejection is thus applied.

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**Claim 26**

The rejection of base claim 19 is incorporated. Since Claim 26 recites the same feature of Claim 8, the same rejection is thus applied.

**Claim 27**

The rejections of base claim 19 and intervening claim 26 are incorporated. Since Claim 27 recites the same feature of Claim 9, the same rejection is thus applied.

**Claim 28**

The rejection of base claim 19 is incorporated. Since Claim 28 recites the same feature of Claim 10, the same rejection is thus applied.

**Claim 29**

The rejection of base claim 19 is incorporated. Since Claim 29 recites the same feature of Claim 11, the same rejection is thus applied.

**Claim 30**

The rejections of base claim 19 and intervening claim 29 are incorporated. Since Claim 30 recites the same feature of Claim 12, the same rejection is thus applied.

**Claim 31**

The rejections of base claim 19 and intervening claim 29 are incorporated. Since Claim 31 recites the same feature of Claim 13, the same rejection is thus applied.

**Claim 32**

The rejection of base claim 19 is incorporated. Since Claim 32 recites the same feature of Claim 14, the same rejection is thus applied.

**Claim 33**

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The rejection of base claim 19 is incorporated. Since Claim 33 recites the same feature of Claim 15, the same rejection is thus applied.

7. Claims 6 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0133405 by Newnam et al. (“Newnam”) in view of U.S. Patent No. 7,161,934 to Buchsbaum and further in view of U.S. Patent No. 7,380,260 to Billmaier et al. (“Billmaier”).

#### **Claim 6**

The rejection of base claim 1 is incorporated. Newnam does not specifically disclose *wherein speech communication occurs as voiceover IP (VoIP) via an audio feedback channel*. However, the examiner takes Official Notice that

“**[v]oice over Internet Protocol**, also called **VoIP, IP Telephony, Internet telephony, Broadband telephony, Broadband Phone** and **Voice over Broadband**” which “is the routing of voice conversations over the Internet or through any other IP-based network” is old and well established in the art and that

“**[c]ompanies providing VoIP service are commonly referred to as providers, and protocols which are used to carry voice signals over the IP network are commonly referred to as Voice over IP or VoIP protocols. They may be viewed as commercial realizations of the experimental Network Voice Protocol (1973) invented for the ARPANET providers**” for the following purposes:

“**[V]oIP is location independent, only an internet connection is needed to get a connection to a VoIP provider; for instance call center agents using VoIP phones can work from anywhere with a sufficiently fast and stable Internet connection.**

VoIP phones can integrate with other services available over the Internet, including video conversation, message or data file exchange in parallel with the conversation, audio

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conferencing, managing address books and passing information about whether others (e.g. friends or colleagues) are available online to interested parties.”

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included VoIP in Newnam because the skilled artisan would have recognized that the advantages of integrating VoIP with other services using IP protocol in Newnam would enhance the information exchange taught in Newnam.

#### **Claim 24**

The rejection of base claim 19 is incorporated. Since Claim 24 recites the same feature of Claim 6, the same rejection is thus applied.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

August 9, 2009



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